

# BID OPENING

CITY OF SAN JOSE  
OFFICE OF THE CITY CLERK

RECEIVED  
City Clerk  
San Jose City Clerk  
Time Stamp

2010 MAY 20 P 2:55

TOTAL BASE BID 202,596

ALT NO. 1 \_\_\_\_\_

ALT NO. 2 \_\_\_\_\_

ALT NO. 3 \_\_\_\_\_

Alt No. 4 \_\_\_\_\_

Alt No. 5 \_\_\_\_\_

BID DATE: Thursday, May 20, 2010

Project Manager: Patty Sawicki – 535.8350

## CYPRESS SENIOR CENTER PARKING EXPANSION PROJECT

BIDDER'S NAME: Dryco Construction Inc.

Bond ☒ Cashier's Check \_\_\_\_\_

Addendums Included ( )

YES \_\_\_\_\_ NO \_\_\_\_\_

Non-Collusion Affidavit

YES ☒ NO \_\_\_\_\_

***CYPRESS SENIOR CENTER PARKING  
EXPANSION PROJECT***

**BID DOCUMENTS**

BID OPENING

3:00 P.M.

Thursday, May 20, 2010.

Bidder: Dryco Construction, Inc.

# **PROPOSAL TO CITY OF SAN JOSE**

**FOR**

## **CYPRESS SENIOR CENTER PARKING EXPANSION PROJECT**

Name of Bidder: *Dryce Construction, Inc.*

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on 4/27/10, entitled Cypress Senior Center Parking Expansion Project and the Specifications approved by the Director of Public Works on 4/27/10, entitled Cypress Senior Center Parking Expansion Project on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

*Dryce Construction, Inc. - a California Corporation*  
*Barbara A. Young, President*  
*Shantia Young, Secretary*  
*Michael Torres - Vice-President*

## SCHEDULE OF QUANTITIES FOR

ITEM	SPECIFICATION SECTION	DESCRIPTION OF ITEM	TOTAL
1.	013000	MOBILIZATION	6,431.-
2.	015000	UTILITY CONFLICT COST ALLOWANCE	\$15,000 (Fixed Lump Sum)
3.	015000	WATER POLLUTION CONTROL PLAN	\$11,000 (Fixed Lump Sum)
4.	024100	SITE PREPARATION AND DEMOLITION	25,185.-
5.	129300	SITE FURNISHINGS	26,228.-
6.	311000-313100	EARTHWORK, GRADING, DRAINAGE AND SANITARY	29,505.-
7.	321300, 323200, 321200	CONCRETE, FLEXIBLE PAVING	81,953.-
8.	328400	PLANTING IRRIGATION	2,000.-
9.	260500-26520	ELECTRICAL	5,294.-
		<b>TOTAL BASE BID AMOUNT (ITEMS 1 THROUGH 9, INCLUSIVE) FOR THE LUMP SUM TOTAL OF:&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;&gt;</b>	\$ 200,596.-

**NOTE TO BIDDERS:**  
The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

Two hundred two thousand five hundred ninety six  
No addenda noted

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

**The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.**

**Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.**

# NONCOLLUSION AFFIDAVIT

Project Title: CYPRESS SENIOR CENTER PARKING EXPANSION

David F. Henke, being first duly sworn, deposes and says that he/she is  
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on 5/30/2010

Dryco Construction, Inc.  
Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,  
Partnership (General/Limited Partners),  
Corporation, Joint Venture, etc.

City Business Lic. No.: 5688011210

Expiration Date: 3/15/2011

State Contractor Lic. No.: 540319

Classification: A

Expiration Date: 4/30/2010

Federal I. D. No.: 94-3067851

Address: 45745 BOSCELL RD.  
FREMONT, CA 94538

By: David F. Henke

Telephone: 510 438-6500

Title: CEO David F. Henke

\*\*\*\*\*

NOTARY

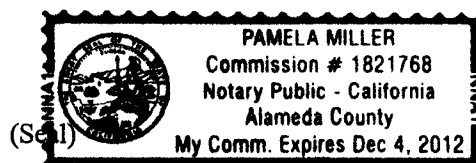
On 5/30/2010 before me, Pamela Miller, Notary Public, personally appeared

David F. Henke who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Pamela Miller  
Notary Public



## **BIDDER'S BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

That we, DRYCO CONSTRUCTION, INC. as PRINCIPAL, and CONTRACTORS BONDING AND INSURANCE COMPANY a corporation duly organized under the laws of the State of WA and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of Total Amount Bid DOLLARS (\$ 10% ).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on Thursday May 20, 2010 for **CYPRESS SENIOR CENTER PARKING EXPANSION PROJECT.**

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 18th  
day of May, 20 10.

PRINCIPAL

SURETY

DRYCO CONSTRUCTION, INC.  
Legal Company Name

CONTRACTORS BONDING AND INSURANCE COMPANY  
Legal Company Name

Indicate Type of Entity

By David F. Henke  
Title: David F. Henke  
CFO

By Jeanette Conley  
Title: Jeanette Conley  
Attorney-in-Fact

By \_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_  
Title: \_\_\_\_\_

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)





# LIMITED POWER OF ATTORNEY

Not Valid for Bonds

Power of Attorney

Executed On or After: DECEMBER 31ST, 2010

Number: 213027

## READ CAREFULLY - to be used only with the bond specified herein

Only an unaltered original of this Power of Attorney document is valid. A valid original of this document is printed on gray security paper with black and red ink and bears the seal of Contractors Bonding and Insurance Company (the "Company"). The original document contains a watermark with the letters "cbic" embedded in the paper rather than printed upon it. The watermark appears in the blank space beneath the words "Limited Power of Attorney" at the top of the document and is visible when the document is held to the light. This document is valid solely in connection with the execution and delivery of the bond bearing the number indicated below, and provided also that the bond is of the type indicated below. This document is valid only if the bond is executed on or before the date indicated above.

KNOW ALL MEN BY THESE PRESENTS, that the Company does hereby make, constitute and appoint the following: JULIA GRIMES, JEANETTE CONLEY, JAMES W. UNTIEDT, GEOFFREY R. GREEN and MICHAEL E. SHEAHAN its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company: (1) any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000; and (2) consents, releases and other similar documents required by an obligee under a contract bonded by the Company. This appointment is made under the authority of the Board of Directors of the Company.

## CERTIFICATE

I, the undersigned secretary of Contractors Bonding and Insurance Company, a Washington corporation, DO HEREBY CERTIFY that this Power of Attorney remains in full force and effect and has not been revoked, and, furthermore, that the resolutions of the Board of Directors set forth on the reverse are now in full force and effect.

Bond Number \_\_\_\_\_ Bid Bond \_\_\_\_\_

Signed and sealed this 18th day of May, 2010

Not Valid  
Unless Seal  
Affixed

  
R. Kirk Eland, Secretary

CBIC • 1213 Valley Street • P.O. Box 9271 • Seattle, WA 98109-0271  
(206) 622-7053 • (800) 765-CBIC (Toll Free) • (800) 950-1558 (FAX)

PoaLPOA.08-US0061307

STATE OF CALIFORNIA

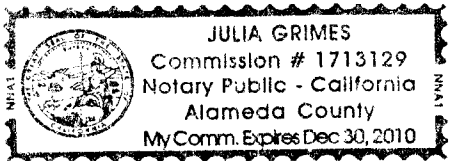
COUNTY OF SANTA CLARA

ss.

On May 18, 2010, before me, Julia Grimes, Notary Public, personally appeared Jeanette Conley, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(Seal)

*Julia Grimes*  
\_\_\_\_\_  
Julia Grimes, Notary Public - California

Description of Attached Document:

DRYCO CONSTRUCTION, INC.  
CITY OF SAN JOSE, DEPT OF PUBLIC WORKS  
Cypress Senior Center Parking Expansion Project  
Bid Bond

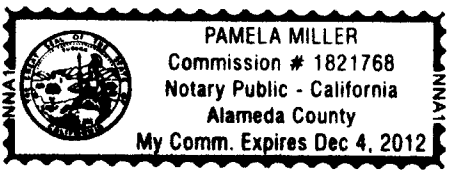
STATE OF CALIFORNIA        }  
  }  
COUNTY OF ALAMEDA       }  
\_\_\_\_\_  
  }

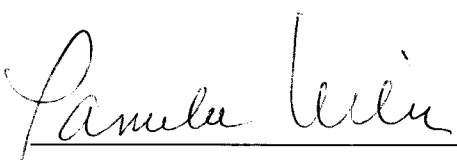
SS.

On May 20, 2010, before me, Pamela Miller, Notary Public, personally appeared David F. Henke, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal



  
\_\_\_\_\_  
Pamela Miller, Notary Public – California

(Seal)

Description of Attached Document:  
City of San Jose, Department of Public Works  
Cypress Senior Center Parking Expansion Project  
Bid Bond

# LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR		LOCATION OF PLACE OF BUSINESS	PORTUGAL ADDRESS (OPTIONAL) WORK
Allcom Electric	Fremont	Electric	
U.S. Concrete	Morgan Hill	Pre Cast Wall	

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

**CONTRACT AMOUNT**

Please see attached

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

**CONTRACT AMOUNT**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

DRYCO CONSTRUCTION, INC.  
PROJECT REFERENCES

Project#, Name, Description of Work	Project Location	Owner	Contract Amount	Contact	Telephone #
Mt. Diablo Unified School District Site Improvements	Dent & Shadelands Center Concord, CA	Mt. Diablo Unified School District 2326 Bisso Lane Concord, CA 94520	\$ 351,267.00	Jeff McDaniel	925.825.7440 925.687.5044
New Haven Unified School District Asphalt, Concrete, Sealcoat, Stripe	Various Locations Throughout District	New Haven Unified School District 3636 Smith Street Union City, CA	\$ 3,491,426.00	Andy Arcaina	510-385-0672
San Francisco State University Asphalt, Concrete	1160 Holloway Street San Francisco, CA	San Francisco State University 1099 E. Street Hayward, CA 94541	\$ 487,410.00	Phil Evans	415.338.1538
Pleasanton Unified School District Asphalt, Concrete, Sealcoat, Stripe	Various Locations Throughout District	Pleasanton Unified SD 4750 First Street Pleasanton, CA 94566	\$ 145,207.00	Hugh Anton	925.426.4400
Fremont Unified School District Asphalt, Concrete, Sealcoat, Stripe	Various Locations Throughout District	Fremont Unified School District 4210 Technology Drive	\$ 2,757,211.00	Dave Leal	510.979.7716
Newark Unified School District Asphalt, Concrete, Sealcoat, Stripe	Various Locations Throughout District	Newark Unified School District 37370 Birch Street Newark, CA 94560	\$ 873,061.00	Don Connell	510.818.4271
Castro Valley Unified School District Asphalt, Concrete, Sealcoat, Stripe	Various Locations Throughout District	Castro Valley Unified School District 4163 Omega Avenue Castro Valley, CA 94546	\$ 603,508.00	Andrew Mixer	510.728.0558
Santa Clara Unified School District Asphalt, Concrete, Sealcoat, Stripe	Various Locations Throughout District	Santa Clara Unified School District 1889 Lawrence Road Santa Clara	\$ 995,794.00	Andy Wirt	408.423.2057
East Bay Regional Park District Asphalt, Concrete, Sealcoat, Stripe	Various Locations	East Bay Regional Park District 2950 Peralta Oaks Ct. Oakland, CA 94605	\$ 297,444.87	Julie Haselden	510.544.2703
Adesa Golden Gate Asphalt, Concrete, Sealcoat, Stripe	Adesa Golden Gate	Adesa Golden Gate 18501 W. Stanford Rd. Tracy, CA 95377	\$ 590,955.00	Bob Cross	209.839.3999



GRADING • CONCRETE • ASPHALT PAVING • TENNIS COURTS  
SEAL COATING • STRIPING

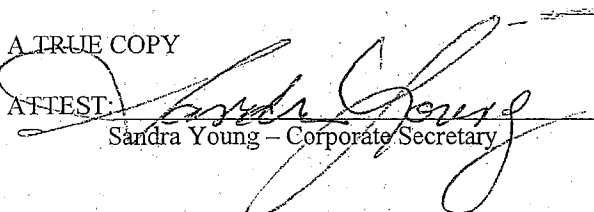
## CORPORATE RESOLUTION

This is to certify that a special meeting of the Board of Directors/Executive Committee of DRYCO Construction, Inc., the Corporation, held at the office of DRYCO Construction, Inc., the corporation located at 42745 Boscell Road, Fremont, CA on May 27, 2008, at 10:00 A.M., all of the Directors/Members being present and voting, it was unanimously

VOTED: May 27, 2008

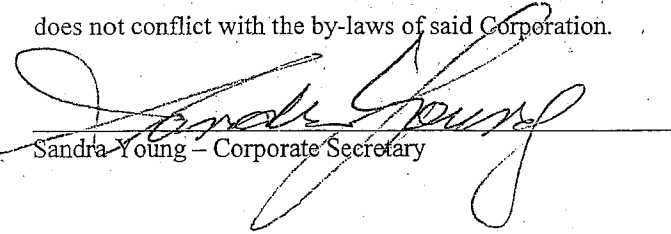
A TRUE COPY

ATTEST:

  
Sandra Young – Corporate Secretary

BE IT RESOLVED, that Daren R. Young, President, Rafael Torres, Vice President, Sandra Young, Corporate Secretary, and David Henke, Chief Financial Officer or any one of them acting individually, be hereby authorized and directed to execute Contracts on behalf of the Corporation.

I, Sandra Young of DRYCO Construction, Inc., incorporated under the laws of the State of California do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Board of Directors of said Corporation at a meeting duly held on the 27<sup>th</sup> day of May, 2008, at which a quorum was present and voting, and that the same has not been repealed or amended and remains in full force and effect and does not conflict with the by-laws of said Corporation.

  
Sandra Young – Corporate Secretary